

POSITIVE ALLIANCE

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Water Docket
U.S. Environmental Protection Agency
Mail Code: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**Re: Positive Growth Alliance Comments on the proposed Chesapeake Bay TMDL
Docket ID No. EPA-R03-OW-2010-0736**

This document contains the comments of the Positive Growth Alliance on the U.S. Environmental Protection Agency's (EPA) proposed Total Maximum Daily Load (TMDL) for the Chesapeake Bay, the availability of which was announced in the Federal Register on September 22, 2010. Our hope is that major modifications can be made by EPA to make their goals achievable and rational.

The Positive Growth Alliance is a non-profit corporation with approximately 250 members, mostly in the state of Delaware. We defend property rights and promote the benefits of private enterprise.

This will not be a lengthy comment. It appears that EPA has designed a TMDL that is not achievable. EPA makes it clear that states that don't meet their goals will be punished. This could include takeover of issuance of NPDES permits by EPA. Thus, **a realistic assessment of EPA's actions would have to conclude that EPA's strategy is to make failure inevitable, thus allowing takeover of state authority as a deliberate outcome.**

In fact, our technical experts tell us that even converting all developed land in the Delaware portion of the Chesapeake Bay drainage basin to forest would not be enough to satisfy the requirements of the Chesapeake Bay TMDL. This is despite the fact that the Nanticoke Watershed Alliance just released a report on the Nanticoke River indicating it is one of the cleanest rivers emptying into the Bay.

The Positive Growth Alliance supports the comments of the National Association of Homebuilders in regards to the flaws in the regulatory process. Again, it seems Delaware is being deliberately set up for failure.

The Positive Growth Alliance urges the EPA to do some "soul searching" in regards to their motives. If these unachievable requirements are simply a mistake, correction is in order. If they are not, then remedies will have to be sought through the courts and/or the political process.

Thank you,

Richard G. Collins
Executive Director